IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Crl.Rev.Pet.No. 1000 of 2007()

CRA.690/2005 of ADDL.SESSIONS COURT (FAST TRACK-I), ALAPPUZHA
CC.398/2004 of JUDL.MAGISTRATE OF FIRST CLASS-II, CHERTHALA

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REVN. PETITIONER: APPELLANT/ACCUSED

N.SASIDHARAN, S/O NEELAKANDAN,
AGED 50 YEARS, RESIDING AT ATTUPURATHU HOUSE,
AROOR P.O., CHERTHALA.

BY ADV. SRI.THOMAS JOSEPH

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE

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1. K.V.REJI, S/O VASUDEVAN,
KELATHUKUNNEL,AROOR MURI,
AROOR P.O., CHERTHALA.

2. THE STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.1000 of 2007

Dated this the 7th day of March, 2007

ORDER

The revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to imprisonment till the rising of the court and to pay a sum of Rs.1,65,000/- as compensation vide section 357(3) of the Code of Criminal Procedure and in default, to undergo simple imprisonment for six months.

2. Counsel for the revision petitioner has submitted that the cheque amount is only 1,50,000/- and the trial court had ordered compensation of Rs.1,50,000/- only. Revision petitioner has sought for modification of the order with respect to the payment of compensation and time to make the payment. In the circumstances and considering the fact that the cheque amount of Rs.1,50,000/- and the trial court sentenced him to pay only a sum of Rs,1,50,000/-, I find that this part of the sentence is liable to be modified. Hence, the portion of the sentence to pay

Rs.1,65,000/- is modified to Rs.1,50,000/- and in default, to undergo simple imprisonment for six months. Revision petitioner is granted six months' time from today onwards to make the payment. He shall appear before the Judicial First Class Magistrate Court-II, Alappuzha on 6.9.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl